UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,368	09/30/2003	Paul Mayer	F-322	5982

7590 03/29/2007 Pitney Bowes Inc. Intellectual Property and Technology Law Dept. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484	**EXAMINER** ERB, NATHAN

ART UNIT	PAPER NUMBER
3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6</u> is/are rejected.

7) ☒ Claim(s) <u>1 and 5</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>30 September 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 1 and 5 are objected to because of the following informalities:

a. In the seventh line of claim 1, please replace the phrase "software based" with --

software-based--.

b. In the first line of claim 5, please replace the word "includes" with --include--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gagliardi et al., U.S. Patent No. 6,334,119 B1, in view of Carroll et al., U.S. Patent Application

Publication No. US 2002/0083018 A1.

As per **Claim 1**, Gagliardi et al. discloses:

- an inserter system (column 2, lines 26-53);

- a plurality of modules for accumulating and assembling sheets into mail pieces (column

3, line 10, through column 4, line 64; inserter system can have various modules which insert

documents into envelopes to create mail pieces);

- a controller computer coupled to the plurality of modules and controlling assembly of mail pieces in accordance with predetermined instructions, the controller computer receiving status data from the plurality of modules (Figure 2; column 3, line 10, through column 4, line 64; column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2);

- the controller computer including software processing the status data to determine inserter status and pass processed status data directly to transmittal using a network protocol (column 4, lines 43-53; column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2; inserter control system uses software to perform its functions; real-time transmittal would be direct; communication over a network would require some sort of network protocol; thus, network protocol is inherently disclosed);

- the controller computer further comprising a network port for directly transmitting status data using the network protocol to an external network (column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2; real-time transmittal would be direct; communication with a network would require some sort of network port; thus, network port is inherently disclosed; OMS 100 is on an external network relative to the inserter system 10 [see Figure 2]);

- the network port further accepting incoming requests from the external network using the network protocol (column 2, lines 41-53; column 7, line 13, through column 8, line 58; claim 2; controller computer here would be the inserter control system 14 of Figure 2; real-time transmittal would be direct; communication from a network would require some sort of network port; thus, network port is inherently disclosed; OMS 100 is on an external network relative to

the inserter system 10 [see Figure 2]; communication over a network would require some sort of network protocol; thus, network protocol is inherently disclosed);

- the controller computer transmitting inserter status data in real-time, without need for withdrawal of information from a database or repository in the controller computer (column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2).

Gagliardi et al. fails to disclose using objects to perform computer functions. Carroll et al. discloses using objects to perform computer functions (paragraphs [0023]-[0028]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. such that it uses objects to perform computer functions, as disclosed by Carroll et al. Motivation is provided by Carroll et al. in that object-oriented programming is more flexible than traditional programming languages (paragraphs [0023]-[0028]).

As per **Claim 2**, Gagliardi et al. fails to disclose wherein the network protocol is used to communicate with an HTTP web server and the network port is a TCP/IP port. Carroll et al. further discloses wherein the network protocol is used to communicate with an HTTP web server and the network port is a TCP/IP port (Figure 1; paragraph [0001]; paragraphs [0013]-[0017]; paragraphs [0023]-[0024]; TCP/IP is the standard for communication over the Internet, so a system that communicates over the Internet would have to have a TCP/IP port; communication between a web server and web browser implies the use of HTTP). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of

Gagliardi et al. as modified in the rejection for claim 1 such that the network protocol is used to

communicate with an HTTP web server and the network port is a TCP/IP port, as disclosed by

Carroll et al. Motivation is provided by Carroll et al. in that Internet-browser-based systems

allow greater access, more scalability, and lower cost (paragraph [0013]).

As per **Claim 3**, Gagliardi et al. and Carroll et al. fail to disclose wherein the controller

computer is a general purpose computer coupled to the plurality of modules. However, that

element/limitation was well-known to one of ordinary skill in the art at the time of applicant's

invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such

that the controller computer is a general purpose computer coupled to the plurality of modules, as

was well-known to one of ordinary skill in the art at the time of applicant's invention.

Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of

applicant's invention that general purpose computers can be used as a flexible means of

performing a variety of data processing tasks.

As per **Claim 4**, Gagliardi et al. and Carroll et al. fail to disclose wherein the controller

computer is an embedded processor fixed within the plurality of modules. However, that

element/limitation was well-known to one of ordinary skill in the art at the time of applicant's

invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such

that the controller computer is an embedded processor fixed within the plurality of modules, as

was well-known to one of ordinary skill in the art at the time of applicant's invention.

Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of

applicant's invention that a dedicated processor can be optimized for best performance of its

particular task.

As per **Claim 6**, Gagliardi et al. further discloses wherein selection of data for

transmission occurs in real-time, without need for withdrawal of information from a database or

repository in the controller computer (column 7, line 13, through column 8, line 58).

4.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliardi et al. in

view of Carroll et al. in further view of McManus et al., U.S. Patent Application Publication No.

US 2003/0101446 A1.

As per **Claim 5**, Gagliardi et al. and Carroll et al. fail to disclose a parser to select data

for transmission responsive to an incoming request from the external network. McManus et al.

discloses a parser to select data for transmission responsive to an incoming request from the

external network (Figure 1; paragraphs [0012]-[0013]; paragraphs [0021]-[0025]; a parser would

have to be present since the request can be limited to the transfer of only specified data). It

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such that it

includes a parser to select data for transmission responsive to an incoming request from the

external network, as disclosed by McManus et al. Motivation is provided by McManus et al. in

that a user can then request specific data for download (Figure 1; paragraphs [0012]-[0013];

paragraphs [0021]-[0025]).

Conclusion

5.   **Examiner's Note:** Examiner has cited particular portions of the references as applied to

the claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings in the art and are applied to the specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully requested that

the applicant, in preparing the responses, fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by

the prior art or disclosed by the examiner.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The

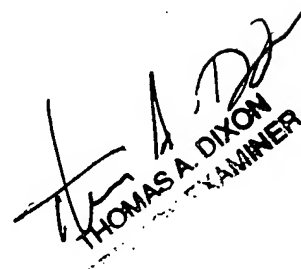examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

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